

SENATE JOURNAL

Forty-third Legislature—First Called Session.

FIRST DAY.

Senate Chamber,
Austin, Texas,
September 14, 1933.

The Senate met at 12 o'clock noon, pursuant to the call of the Governor, and was called to order by Lieutenant Governor Edgar E. Witt.

Temporary Officers.

The Chair announced the appointment of the following temporary officers:

Secretary of Senate, Bob Barker.
Sergeant-at-Arms, A. W. Holt.
Chaplain, W. H. Doss.
Journal Clerk, Wendell O'Neal.
Door Keeper, W. J. J. Terrell.

Roll Call.

The roll was called, the following members being present:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Russek.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent.

Moore. Regan.

Invocation.

The invocation was offered by Rev. W. H. Doss, Temporary Chaplain.

Proclamation of the Governor.

The Chair laid before the Senate the following proclamation of the Governor:

1—Jour.

To all to whom these presents shall come:

I, Miriam A. Ferguson, Governor of the State of Texas, do, by virtue of authority vested in me by the Constitution of this State, hereby call a Special Session of the Forty-third Legislature to be convened in the City of Austin commencing at 12 o'clock noon on Thursday, the 14th day of September, A. D. 1933, for the following purposes:

No. 1. To pass such law or laws as may be necessary to issue Twenty Million Dollars of bonds proposed in Senate Joint Resolution No. 30 at the Regular Session of the Forty-third Legislature and adopted by the voters of Texas at an election duly held on the 26th day of August, A. D. 1933.

No. 2. To consider and pass such legislation as may be deemed necessary to amend, change or repeal existing laws affecting and controlling trusts, conspiracies against trade, and monopolies.

No. 3. To make needed appropriations for refrigeration at the Governor's Mansion and needed work on the grounds of the Governor's Mansion.

No. 4. To consider and act on such other subjects and questions as I, as Governor, may from time to time during said Called Session submit by message or otherwise to the Legislature.

The Secretary of State will hereby take notice of this action and notify the members of the Legislature.

Done at Austin, Texas on this the 7th day of September A. D. 1933 under the seal of the State properly attested by the Secretary of State.

MIRIAM A. FERGUSON,
Governor of Texas.

Attested:

W. W. HEATH,
Secretary of State.

The proclamation was read.

President Pro Tempore.

The Chair announced that nominations for President Pro Tempore of the Senate were now in order.

Senator Hornsby nominated Senator George C. Purl.

The nomination was seconded by Senators Holbrook, Greer, Oneal, Woodward, DeBerry, Neal, Poage, Woodul, Woodruff, Small and Rawlings.

On motion of Senator Woodward nominations were closed.

The Chair appointed Senator Hornsby to collect the ballots and canvass the returns.

Senator Hornsby announced the following results:

Senator Purl—28 votes.

The Chair declared Senator George C. Purl duly elected President Pro Tempore of the Senate and appointed Senators Hornsby and Poage to escort him to the platform where the Chair administered the oath of office.

The Chair introduced President Pro Tempore George C. Purl who addressed the Senate.

The Chair declared the Senate now duly organized and ready for business.

Committee from the House.

The Chair recognized the Doorkeeper who introduced a committee from the House. Mr. Moore informed the Senate that the House was organized and ready for business.

Senators Excused.

On motion of Senator Beck, Senators Moore and Regan were excused for the day on account of important business.

Notification Committees.

The Chair appointed the following committees:

To notify the Governor: Senators Sanderford, Stone and Fellbaum.

To notify the House: Senators Blackert, Pace and Collie.

Senate Simple Resolution No 1.

Senator Woodward sent up the following resolution:

Be It Resolved that the Senate Rules adopted and in force during

the Regular Session of the Forty-third Legislature be and they are hereby adopted as the temporary rules for the Senate of the First Called Session of the Forty-third Legislature and that the rules thus temporarily adopted shall prevail until otherwise ordered by the Senate; provided, however, that the Senate Rules during the Regular Session of the Forty-third Legislature relating to the time within which bills might be introduced and committee hearings thereon, shall not be applicable during this the First Called Session of the Forty-third Legislature.

WOODWARD.

Read and adopted.

Senate Simple Resolution No. 2.

Senator Woodward sent up the following resolution:

Be It Resolved that the members of the Senate of the First Called Session of the Forty-third Legislature be and they are hereby permitted to retain the seats and desks which they formerly occupied during previous sessions of the Senate; provided, however, that any Senators may agree among themselves for exchange of seats and desks when they so desire.

WOODWARD.

Read and adopted.

Bills Introduced.

By Senator Holbrook:

S. B. No. 1, A bill to be entitled "An Act appropriating the sum of One Hundred Thousand (\$100,000.00) Dollars, or so much thereof as may be necessary, payable out of the General Revenue and not otherwise appropriated, to pay the mileage of members, their per diem, and to pay the salaries and per diem of officers and employees of the First Called Session of the Forty-third Legislature of the State of Texas; and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 2, A bill to be entitled "An Act appropriating the sum of Fifty Thousand (\$50,000.00) Dollars, or so much thereof as may be necessary, out of the General Revenue of the State of Texas, to pay the contingent expenses of the First

Called Session of the Forty-third Legislature of the State of Texas, providing how accounts may be approved and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Woodward:

S. B. No. 3, A bill to be entitled "An Act declaring the economic conditions and policy of this State concerning co-operation with the National Government in authorizing and providing for action by trade groups, labor and management of industry, eliminating unfair competition, promoting the proper productive capacity of industry, increasing the consumption of industrial and agricultural products by increasing purchasing power, reducing unemployment, improving standards of labor and otherwise rehabilitating industry and conserving natural resources, as announced in the National Industrial Recovery Act; authorizing the Governor and heads of departments to consent that the President of the United States utilize public officers and employees in this State to effectuate the policies of the National Industrial Recovery Act; providing that the terms of the National Industrial Recovery Act concerning interstate or foreign commerce shall apply within this State to transactions not in or affecting interstate or foreign commerce; declaring a compliance with codes, agreements, etc., under the National Recovery Act to be standards of fair competition and violations thereof to be unfair methods of competition; providing penalties, the enforcement thereof through action by the Attorney General, county and district attorneys and by persons who comply with the National Recovery Act, and establishing jurisdiction of such cases in the district courts of this State, providing for exemption from the provisions of Title 19 of the Penal Code of the State of Texas, Revision of 1925, and/or Title 126 of the Revised Civil Statutes of the State of Texas, Revision of 1925; providing that pending suits for the violation of the anti-trust laws of the State of Texas shall not be affected hereby; providing that in contracts on public works, or for the purchase of materials or supplies for public use, such contracts shall be made only

with persons who agree to use or supply said materials or supplies produced, manufactured or supplied by a person who is a party, or subject to a code of fair competition, agreement or license approved, prescribed or issued under the terms of the National Industrial Recovery Act in case such code, agreement or license has been established as provided in said last mentioned act; providing said act does not repeal the anti-trust laws of Texas, and authorizing prosecution under the anti-trust laws under certain conditions, and providing for defenses from violations of the anti-trust laws under certain conditions; providing this act does not repeal or suspend any laws against monopolies and monopolistic practices; providing for the termination hereof, a saving clause and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Oneal:

S. B. No. 4, A bill to be entitled "An Act providing for the transfer of the lien for taxes that the State, county or defined subdivision thereof, has upon any real property; providing by whom and under what conditions such transfer may be made; providing for the recording of such transfer, and the effect of such record; providing for paying by lienholder to person paying such taxes the taxes, cost, and interest, and receiving transfer to himself of the tax lien; providing for foreclosure of lien and sale and disposition of proceeds of sale; providing for redemptions from foreclosure sale, providing this act shall not abridge the right of taxpayer to enter into contract with lienholders for payment of taxes, nor affect existing contracts; providing that if any provision of this Act is declared invalid or unconstitutional it shall not affect any other provision of this Act; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 5, A bill to be entitled "An Act prohibiting inquiry concerning the religion or religious affiliations of persons seeking employment or official position in the public schools, providing a penalty; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senators Sanderford and Martin:

S. B. No. 6, A bill to be entitled "An Act providing for the issuance of certain State bonds as provided for by Section 51 A of Article 3 of the Constitution of Texas; providing for the issuance of 9,000 bonds of the par value of \$1,000.00 each; providing for the future issuance of the remainder of said bonds; providing that the total amount of said bonds so issued shall in no event exceed \$20,000,000.00; providing for the method of issuance of said bonds; providing for the general form of said bonds; providing for the registration of said bonds by the State Treasurer and the deposit of said bonds with said officer; providing for the creation of the State Bond Commission; providing for the duties of said Commission; providing for the method of sale of said bonds by said Commission; providing for the use and distribution of the proceeds from the sale of said bonds by the Texas Rehabilitation and Relief Commission; providing for the method of distribution of said funds by said Commission; providing for authority to be vested in the Texas Rehabilitation and Relief Commission to adopt governmental regulations; providing a method of retirement and for the retirement of said bonds and the interest thereon and making appropriation for the payment of interest during the biennium ending August 31st, 1933; providing for an appropriation of \$50,000.00 per year for the use of the Texas Rehabilitation and Relief Commission in administering bond funds; providing for the destruction of issued and unsold bonds; providing for the return of any unused moneys derived from the sale of said bonds to the Special Interest and Sinking Fund of State Relief Bonds; providing for a repeal of all laws and/or parts of laws in conflict with the provisions hereof; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senators Sanderford and Martin:

S. B. No. 7, A bill to be entitled "An Act to encourage State and Na-

tional Industrial Recovery by cooperating with the National Government in fostering fair competition and for other purposes."

Read and referred to Committee on Civil Jurisprudence.

By Senators Sanderford and Martin:

S. B. No. 8, A bill to be entitled "An Act declaring a state-wide emergency productive of wide-spread unemployment affecting the public welfare, and declaring it to be the policy of this State to provide for the general welfare by cooperating with and assisting the National Government in carrying out a program of Public Works under the 'National Industrial Recovery Act'; authorizing the State Government and each of the State Boards and Commissions, including the governing boards of each state educational institution, and every county, city, or other political subdivision of this State to make loans and accept grants from the Federal Emergency Administration of Public Works for the carrying out of designated public works projects, and to issue notes, warrants or other obligations, and to pledge and encumber the property of such projects, including the franchise and income thereof, and to acquire by purchase, lease or otherwise, any property for any such project, and providing that any county, city or town may act on resolution of its Commissioners' Court or governing body; providing for the issuance of warrants or other obligations, for the conveyance of the site of such project to the United States and the entering into of a contract of rental; providing for the creation of public corporations to carry on such projects; providing that this act cease to be in effect at the expiration of two years; providing that if any section hereof be declared unconstitutional the other provisions shall not be impaired thereby; providing for a short title, and declaring an emergency."

Read and referred to Committee on State Affairs.

S. C. R. No. 1.

Senator Parr sent up the following resolution:

Whereas, On the 4th and 5th days of the present month a terrific hur-

ricane of great intensity swept over what is commonly designated as the Rio Grande Valley of Texas, and wrought its greatest destruction in the counties of Cameron, Hidalgo, and Willacy; and

Whereas, Since that time heroic efforts have been made by various agencies of the State and Federal Government and also the National Red Cross to alleviate the conditions brought about by the hurricane; and

Whereas, It is impossible at this time to determine from reports at hand just what losses have been sustained, but information has come to the Legislature that it will not only require the best efforts of the agencies aforementioned to bring order out of chaos that has ensued by reason of the storm, and to relieve adequately the citizens of that region, it will in all probability be necessary for the State Government to render what assistance it can under the Constitution to the people of this district who have suffered so severely from the effects of this storm; and

Whereas, In order to get a true statement of just what losses have been sustained and just what is necessary to do for these people in this great emergency, it is the opinion of the members of the Legislature, both the House and Senate, that a committee from each body should be requested to visit the section swept by the storm at its earliest possible convenience, for the purpose of gathering all the facts concerning these losses and needs and reporting back to the Legislature and the Governor what is necessary, if anything, for the Legislature to do in the matter of giving or granting relief to these people; now, therefore be it

Resolved by the Senate of Texas, House of Representatives concurring, that a committee of six members of the Senate, including the Lieutenant Governor, be appointed by the Lieutenant Governor and six members of the House by the Speaker of the House, and that these be requested to go immediately into the section of the State swept by this storm for the purpose of gathering these facts and making a report accordingly, and that the expenses of said committees be paid out of the contingent

funds of each respective legislative body.

PARR,
HOLBROOK,
WOODUL,
BECK.

Read and adopted.

Senate Bill No. 1.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Holbrook:

S. B. No. 1, A bill to be entitled "An Act appropriating the sum of One Hundred Thousand (\$100,000.00) Dollars, or so much thereof as may be necessary, payable out of the General Revenue and not otherwise appropriated, to pay the mileage of members, their per diem, and to pay the salaries and per diem of officers and employees of the First Called Session of the Forty-third Legislature of the State of Texas; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1, was put on its second reading by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Russek.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Moore. Regan.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook

the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Russek.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Moore. Regan.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Russek.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Moore. Regan.

Senate Bill No. 2.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Holbrook:

S. B. No. 2, A bill to be entitled "An Act appropriating the sum of Fifty Thousand (\$50,000.00) Dollars, or so much thereof as may be necessary, out of the General Revenue of the State of Texas, to pay the contingent expenses of the First Called Session of the Forty-third

Legislature of the State of Texas, providing how accounts may be approved and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 2 was put on its second reading by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Pace.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Russek.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Moore. Regan.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 2 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Russek.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Moore. Regan.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Russek.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Moore. Regan.

Recess.

On motion of Senator Woodward, the Senate, at 12:53 o'clock p. m., recessed until 3 o'clock p. m.

After Recess.

The Senate met at 3 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Committee Appointed.

The Chair appointed the following on the part of the Senate under the provisions of S. C. R. No. 1:

Senators' Parr, Holbrook, Beck, Woodward, and Pace.

Committee to Arrange Memorial Service.

On motion of Senator Purl, the Chair was authorized to appoint a committee of three Senators to arrange for a memorial service for former Lieutenant Governor Barry Miller.

Notification Committees Report.

The committee appointed to notify the House appeared at the bar of the Senate and Senator Collie reported that the committee had performed its duty.

The committee appointed to notify the Governor appeared at the bar of the Senate and Senator Sanderford reported that the committee had performed its duty.

S. C. R. No. 2.

Senator Neal sent up the following resolution:

Whereas, The objectives of the National Recovery Act can be accomplished only through providing more productive payrolls and consequent increased purchasing power, and

Whereas, Several hundred well conceived, economically sound and financially feasible projects in the State of Texas alone are now awaiting action on the part of the Federal Government, and

Whereas, The welfare of our local communities during the winter months will be jeopardized by further delay of the public works program; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That an appeal be made to the President of the United States to take steps to eliminate the discouraging delay of the past several weeks, and to translate the hopes of our people into actuality.

NEAL,
SANDERFORD,
MARTIN,
WOODRUFF,
DeBERRY,
WOODWARD,
BECK.

Read and adopted.

S. C. R. No. 3.

Senator Cousins sent up the following resolution:

Whereas, The entire nation is manifesting an increasing interest in the building of good roads and is showing a greater appreciation of the necessity for the proper correlation of national systems of highways to best serve the various states; and

Whereas, The United States Good Roads Association is to hold its twenty-first annual convention in this State at Beaumont, October 11-12-13, 1933; therefore be it

Resolved by the Senate of Texas, the House of Representatives concurring, That we join with the Governor in her invitation to all those in America interested in good roads to attend the convention assuring them on behalf of the people of Texas a cordial and hearty welcome; be it further

Resolved that enrolled copies of this resolution be forwarded to Col. T. L. Kirkpatrick, President of the United States Good Roads Association, Charlotte, N. C., and to J. A. Rountree, Director General, United States Good Roads Association, Hotel Beaumont, Beaumont, Texas.

COUSINS.

Read and adopted.

Message from the Governor.

Austin, Texas,
September 14, 1933.

To the Forty-third Legislature in Special Session Convened:

I congratulate your membership upon your presence in response to my official proclamation convening you in Special Session. I trust that your return to your homes and firesides upon the adjournment of the Regular Session was met with cordial reception. I trust that your stay at home has been attended with pleasure and satisfaction to yourselves and that you are now refreshed from the arduous labors of the Regular Session.

I trust that every member comes to this session fully imbued with the desire for needed service and with a determination to grapple with the problems that now confront the people which need your serious and devoted consideration. I again want to emphasize my desire to cooperate with you to the fullest extent in order that we may continue our friendly relation. Let me again say that every member of the Legislature is welcome to visit the Governor's office for business, pleasure or entertainment.

Purpose No. 1 in the proclamation convening you is "To pass such law or laws as may be necessary to issue Twenty Million Dollars of bonds proposed in Senate Joint Resolution No. 30 at the Regular Session of the Forty-third Legislature and adopted by the voters of Texas at an election duly held on the 26th day of August A. D. 1933." As there appears to be some considerable difference in opinion as to what legislation should be passed to carry out this edict of the people, I beg to advise that I have taken the liberty to cause to be prepared a bill dealing with this question and same is hereto attached marked "Exhibit A" and made a part hereof. While said bill embodies

my views as to how best to make this relief fund available, I want to say that it is submitted for your serious consideration and at least as a basis for discussion. Although it represents some consideration and preparation, yet I trust that you will carefully consider the same purely upon its merits and either adopt, amend or change in such way and form as you may think necessary or proper.

The second purpose in the proclamation convening you is "To consider and pass such legislation as may be deemed necessary to amend, change or repeal existing laws affecting and controlling trusts, conspiracies against trade, and monopolies." I assume that you understand as well as I that the request for such legislation is made necessary in line with the passage by the National Congress of what is known as the National Industrial Recovery Act and for the purpose of bringing about a full cooperation and coordination of State and National agencies to relieve our country from the afflictions of the depression. To bring about such result and have the same attended with a cordial relation with the National Administration and to put our State in the front line of patriotic endeavor to again achieve national prosperity, I have prepared, or rather copied, another bill which I am officially advised is satisfactory to the National Administration, and I transmit same to you marked "Exhibit B" for your full consideration. I, however, have added Section 5 to said bill and it reads as follows:

"While this Act continues in effect and for sixty days thereafter, the provisions of Title 126 of the Revised Civil Statutes of the State of Texas 1925 revision and all amendments thereto, and the provisions of Chapter 3 of Title 19 of the Penal Code of the State of Texas 1925 revision and all amendments thereto, and all other laws of this State relating to trusts, monopolies and/or conspiracies in restraint of trade shall be and the same are hereby suspended."

It is my view that this clear-cut declaration of the policies of our State pending the depression should be adopted and thereby prevent any conflict or confusion that might arise between the State and National au-

thorities if prosecution of anybody should take place under what has heretofore been deemed a violation of our anti-trust laws but which is now under the National Industrial Recovery Act permitted and authorized to be done.

Our National Congress has thought it wise to suspend all anti-trust prosecution pending our national recovery, and if the high and noble purposes of our President are to be attained each State of the Union should fall in line with the general idea and purpose. It would be wonderful if our dear Lone Star State should be the first to lead the way.

To further carry out the Public Works Program of the National Industrial Recovery Act, I submit for your consideration under authority of my proclamation the question of passing such laws as may be necessary for our State to receive the benefit of the Federal Emergency Administration of Public Works and in order that any county, city or town may act on resolution of its governing body for the major purpose of relieving unemployment. To more fully bring the matter to your attention I have prepared another bill marked "Exhibit C" and made a part hereof and submit same for your consideration. I think the passage of this character of legislation is absolutely essential if our State is to receive the full benefits of the Public Works Program to be inaugurated by the National Administration. It may mean the expenditure of many millions in our State that will go into the channels of business and restore the full dinner pail.

Respectfully submitted

MIRIAM A. FERGUSON,
Governor of Texas

The message was read.

On motion of Senator Woodward, Exhibits A, B and C submitted by the Governor were ordered printed in the Journal as part of the Governor's message.

EXHIBIT A.

A BILL

To Be Entitled

An Act providing for the issuance of certain State bonds as provided for by Section 51-A of Article 3 of the Constitution of Texas; pro-

viding for the issuance of 9,000 bonds of the par value of \$1,000.00 each; providing for the future issuance of the remainder of said bonds; providing that the total amount of said bonds so issued shall in no event exceed \$20,000,000.00; providing for the method of issuance of said bonds; providing for the general form of said bonds; providing for the registration of said bonds by the State Treasurer and the deposit of said bonds with said officer; providing for the creation of the State Bond Commission; providing for the duties of said Commission; providing for the method of sale of said bonds by said Commission; providing for the use and distribution of the proceeds from the sale of said bonds by the Texas Rehabilitation and Relief Commission; providing for the method or distribution of said funds by said Commission; providing for authority to be vested in the Texas Rehabilitation and Relief Commission to adopt governmental regulations; providing a method of retirement and for the retirement of said bonds and the interest thereon and making appropriation for the payment of interest during the biennium ending August 31, 1933; providing for an appropriation of \$50,000.00 per year for the use of the Texas Rehabilitation and Relief Commission in administering bond funds; providing for the destruction of issued and unsold bonds; providing for the return of any unused moneys derived from the sale of said bonds to the Special Interest and Sinking Fund of State Relief Bonds; providing for a repeal of all laws and/or parts of laws in conflict with the provisions hereon; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. From and after the effective date of this Act, the Governor of the State of Texas, is hereby authorized and instructed to issue upon the faith and credit of the State of Texas certain bonds of the State of Texas; as provided for by Section 51-A of Article 3 of the Constitution of Texas, the issuance of said bonds shall be made at the time, in the

manner, in the form and in the amount as hereinafter provided.

Section 2. Each and every State bond, the issuance of which is hereby provided for, shall be signed by the Governor, attested by the Secretary of State under the Seal of the State of Texas, countersigned by the State Comptroller of Public Accounts, approved as to form by the Attorney General of Texas, and registered by the State Treasurer of Texas. Each of said bonds shall be in the amount of \$1,000.00 and shall bear such interest and shall be redeemed at such time and such place as may be provided by the hereinafter created State Bond Commission, except as otherwise provided herein; provided, however, that said Commission shall in no event create said bonds so as to provide therein that the rate of interest to be payable thereon shall be more than four and one-half (4½%) per centum per annum of the face value thereof, and providing further that in no event shall the said State Bond Commission as hereinafter created provide that said bonds or any of them shall have a maturity or redemption date of a time longer than ten (10) years from and after the issuance of said bond or bonds. The said bonds shall be made in the name and by the authority of the State of Texas, and shall be in such general form as may be agreed upon by the hereinafter created State Bond Commission and as approved by the Attorney General of Texas; provided, however, that such bonds shall provide for their retirement by payments by the State of Texas of a portion of the principal of said bonds annually, as well as the payment of all interest semi-annually at definite dates to be set by the hereinafter created State Bond Commission, providing, however, that the first payment of the principal thereof on any of said bonds issued under authority hereof shall be made at the date to be fixed by the Commission during the fiscal year beginning September 1st, 1935; and provided that said payments to be made subsequent to September 1st, 1935, shall be amortized so that the total payments of interest and principal will be approximately the same for each remaining fiscal year during the life of said bonds. Said bonds shall provide that the indebtedness

as evidenced by said bonds shall never become a charge against or lien upon any property real or personal within this State.

Sec. 3. For the purpose of issuing and selling the bonds of the State of Texas, the issuance of which is herein provided for, there is hereby created an official commission for the State of Texas to be known as the State Bond Commission (referred to herein as the Commission), to be composed of seven members as follows: The Governor of Texas, who shall be chairman of the Commission; the Lieutenant Governor; Attorney General; Comptroller of Public Accounts; State Treasurer; Secretary of State, and the Director of the Texas Rehabilitation and Relief Commission. The Secretary of State shall be secretary of the Commission, and shall keep the minutes of all proceedings of the Commission in a book to be kept as a public record in the archives of his office. The Commission shall meet at any and all times as may be necessary to carry out the provisions hereof and the purposes for which it was created, upon the call of the Chairman, or any three members of the Commission.

Sec. 4. The issuance of twenty million dollars of said bonds is hereby authorized in the following manner:

Immediately upon the application of the Texas Rehabilitation and Relief Commission for the sale of all, or any part, of nine million dollars of said bonds, the State Bond Commission shall proceed to issue and sell in the manner herein provided all of said nine million dollars of bonds, or such part of said nine million dollars in bonds as may be requested by said Rehabilitation and Relief Commission, and if a part of said bonds only be sold, upon the further request of the Rehabilitation and Relief Commission in the same manner the State Bond Commission shall make further sale and/or sales until all of said nine million dollars of bonds shall have been issued and sold. After the issuance in the name of and upon the faith and credit of the State of Texas as above provided for the nine million dollars of State Bonds as above mentioned, the remainder of said bonds shall be issued only when a majority of the

total membership of the said State Bond Commission shall direct the issuance of additional bonds from time to time, and said order and/or orders shall state the amount of said bonds to be issued. When the issuance of any additional bonds has been authorized by said State Bond Commission, same shall be immediately issued in the same manner as the \$9,000,000.00 of bonds directed to be issued hereinabove. In no event shall the total amount of bonds issued under authority of this Act exceed a total face value of more than \$20,000,000.00. No bond as provided for hereunder shall be issued from and after the 15th day of September, A. D., 1935.

Sec. 5. After any bond or bonds as herein provided for has or have been issued as hereinabove provided for, the said bond or bonds shall be immediately deposited with the State Treasurer of Texas for registration and safe keeping, and it shall be the duty of said officer to keep a record of said bonds so deposited with him in a special book procured and kept for that purpose. The State Treasurer shall also keep a record of any and all bonds received from him in the method as hereinafter provided.

Sec. 6. The Texas Rehabilitation and Relief Commission may make application to the said State Bond Commission asking that said Commission issue and have issued as authorized herein and sell additional bonds to meet the needs of the said Texas Rehabilitation and Relief Commission, in administering State funds, whereupon a meeting of the said State Bond Commission shall be called and it shall consider the said application, and if in its discretion it shall decide that the amount of money as applied for by the Texas Rehabilitation and Relief should be made available to said body, the said State Bond Commission shall offer for sale and sell a sufficient number of bonds so as to procure from the sale thereof the amount of money so needed by the said Texas Rehabilitation and Relief Commission. If, however, the said State Bond Commission shall decide that the amount of money as applied for by the said Rehabilitation and Relief Commission should not be made available to it, but, that a lesser sum should be made available to said Relief

Commission, or that no sum should be made available, then it shall be the duty and power of the said State Bond Commission to offer for sale and sell a sufficient number of bonds as will provide for the amount of money that it has deemed a sufficient sum that should be made available to the Texas Rehabilitation and Relief Commission, and in case it shall have deemed or decided that no sum of money should be made available at that time to the said Texas Rehabilitation and Relief Commission, it shall be the duty of and the said State Bond Commission shall have the authority to refuse to sell any bonds at that time for the use of said Rehabilitation and Relief Commission.

If at any time after an application has been made to it by the Texas Rehabilitation and Relief Commission for the sale of bonds the State Bond Commission deems it expedient to sell any amount of bonds following said application as well as upon the sale of the first \$9,000,000.00 of said bonds, it shall be the duty of the State Bond Commission to make an order in writing upon the State Treasurer of Texas for the delivery to it of the number of bonds, the sale of which has been ordered by the State Bond Commission, and it shall be the duty of the State Treasurer of Texas to deliver said bonds to said State Bond Commission, for the purpose of procuring the sale thereof, and shall receive a written receipt therefor from said Commission.

Sec. 7. Whenever the State Treasurer shall deliver to the Commission any number of bonds for the purpose of procuring the sale thereof, it shall be the duty of the Commission to offer the same for sale and to sell the same in the following manner: The notice of the time and place for the offering for sale of the amount of bonds to be offered at such sale shall be publicly made known by the Commission by publication thereof in a newspaper of general public circulation in Travis County, Texas, which publication shall be made for at least once a week for two consecutive weeks prior to the day of the offering for sale of such bonds and the publication shall state the number of said bonds to be offered for sale, the maturities of said bond,

the individual and total amounts of the same, the minimum price for which said bonds may be sold and the general terms concerning said sale, which said Commission shall have the authority to prescribe.

Sec. 8. Any person, partnership, corporation or other concern which may wish to make an offer for the purchase of said bonds shall within forty-eight (48) hours before the said bonds are to be offered for sale by the Commission place and file with the secretary of the Commission his or its sealed bid stating therein the cash price for which said person or concern offers for the bonds offered for sale on said date by the Commission; provided, however, that such person, firm, corporation or other concern who may or which may place or file with the Commission his or its sealed bid or offer for the purchase of the bonds offered for sale by the Commission shall file with the Commission his or its certified check in the sum of not less than 5% of the par value of the bonds offered for sale on said advertised date, payable to the Commission, which said amount of money evidenced by said certified check shall be construed to be and used by the State of Texas as liquidated damages in case such person, firm, corporation or other concern making deposit of such certified check shall be awarded the contract of the purchase of said bonds offered for sale by the Commission on said advertised date and should fail or refuse to comply with all of the terms of his or its contract of purchase of bonds from the Commission acting for and in behalf of the State of Texas. Whenever the Commission has awarded a contract to any person, partnership, corporation or other concern for the purchase of bonds on the date advertised for the sale thereof, it shall be the duty of the Commission to deliver the certified check of the person or concern to which the above mentioned contract has been let to the State Treasurer of Texas to be kept by him separate and apart from any and all other funds of the State Treasurer of Texas until such time as he shall be ordered to return such certified check to the person or concern from whom he has received the same by the Commission, or ordered by the Commission to credit same to

the credit of the interest and sinking fund of said bonds as liquidated damages for failure of the bidder to comply with his or its contract. The Commission shall have the power to sell bonds on any advertised date as above provided for to any responsible person, partnership, corporation or other concern who shall have made a satisfactory bid in cash therefor, provided, however, that the price for which said bonds shall be sold shall in no event be in a sum less than the par value of said bonds and the accrued interest thereon, and the Commission shall have the right to reject any and all bids so filed with it by any person or concern offering to buy said bonds, in which event it shall be the duty of the Commission to readvertise the said bonds as above provided and again offer for sale at a date stipulated in said readvertisement. The Commission shall also have the power to sell to the Reconstruction Finance Corporation or to any other governmental agency, the entire amount of bonds offered for sale by the Commission on any particular date, or any part thereof, either at such public sale or at private sale, and it shall not be necessary as a prerequisite of its purchase of such bonds that the Reconstruction Finance Corporation or such other agency of government offering to buy said bonds shall make a sealed bid as required of persons and private concerns, and it shall not be necessary as a prerequisite of its purchase of said bonds that the Reconstruction Finance Corporation or other governmental agency should file with the Commission the certified check above referred to as required of persons and private concerns; provided, however, that the Commission shall not sell to the Reconstruction Finance Corporation or other governmental agency any of said bonds at a price less than the par value thereof and accrued interest thereon. No commission, directly or indirectly, shall be allowed upon the sale of said bonds or any of them.

Sec. 9. Whenever any of the above described bonds have been sold by the Commission in the manner as herein provided for, the bonds sold shall be delivered by the Commissioner to the purchaser upon payment in lawful money of the United

States of America of the purchase price, and the money derived from the sale thereof shall be immediately deposited by the Commission with the State Treasurer of Texas to be safely kept by him in a fund separate and apart from any and all other funds of the State of Texas, to be known as "State Relief Bond Account," said fund or account to be kept in the name of the Texas Rehabilitation and Relief Commission, and subject only to lawful warrants drawn at the order of said Rehabilitation and Relief Commission.

Sec. 10. In order to avoid conflict with and to secure uniformity of administration, the money derived from the sale of the bonds herein authorized shall be distributed for the purposes as enumerated in Section 51-a of Article 3 of the Constitution of Texas by the Texas Rehabilitation and Relief Commission in the same manner and under the same regulations as the said Texas Rehabilitation and Relief Commission has been empowered to dispense the funds of the Federal Government placed in Texas for the relief of the destitute and/or the unemployed as provided in Chapter 141 of the Acts of the 43rd Legislature at its Regular Session and on page 365 of the General Laws thereof. The said Rehabilitation and Relief Commission shall also be subjected to such rules and regulations as the Federal Government has or may from time to time enact or pass regarding or concerning the distribution of Federal funds in Texas to be used for like purpose by said Rehabilitation and Relief Commission in and of said State bond funds. It is the purpose of this Act to authorize, empower and require the Texas Rehabilitation and Relief Commission to adopt the same rules and regulations as may now exist or may hereafter be adopted by the Federal Government when the said Rehabilitation and Relief Commission expends any of the moneys derived from the sale of said bonds as it is subjected to in the disbursement of like bonds of the Federal Government, and the said Relief Commission shall account for said bond funds expended by it or under its direction to the State Bond Commission monthly in the same manner that it now accounts to the Federal Government for Federal relief funds,

expended by it or under its direction.

Sec. 11. Any and all bonds, as well as all interest thereon issued and sold under authority and direction of this Act, shall be redeemed in the following manner:

From and after the effective date hereof the State Treasurer of Texas as he received any and all moneys obtained for the use and benefit of the General Revenue Fund of the State of Texas, other than any tax on real property, shall set up a special and separate fund from one-twelfth of said sums of money so received until September 1st, 1935; the remaining eleven-twelfths to be placed by said State Treasurer in the General Revenue Funds of the State of Texas as now provided by law, and beginning September 1st, 1935, and until said bonds and all interest thereon are finally paid, one-fourth of all of any sums of money other than any tax on real property received by the State Treasurer of Texas, for the use and benefit of the General Revenue Funds of the State of Texas, shall be placed in said special and separate fund and the remaining three-fourths shall be placed to the credit of the General Revenue Funds of the State of Texas, as provided by law. Said special and separate fund shall be kept by said State Treasurer as a special interest and sinking fund out of which the interest of said bonds shall be paid, and out of which the said bonds shall be redeemed, to be known as "Special Interest and Sinking Fund of State Relief Bonds."

And there is hereby appropriated for the years ending August 31st, 1934 and August 31st, 1935, an amount for each of said years out of said Special Interest and Sinking Fund of State Relief Bonds equivalent to the amount of interest on any outstanding bond maturing during each of said years, and the State Treasurer is hereby directed to make payment of said interest as it matures out of any funds in the State Treasury to the credit of said "Special Interest and Sinking Fund of State Relief Bonds."

Sec. 12. If on the 15th day of September, A. D., 1935, all of the bonds which have been issued by direction of law and as provided for under the provisions of Section 51-a of Article 3 of the Constitution of

Texas have not been sold, it shall be the duty of the State Treasurer in the presence of at least three other members of the Commission, the Governor of Texas included, to destroy by burning any issued and unsold bonds and any interest coupons appended thereto and after said bonds have been destroyed by burning as above provided, it shall be the duty of said members of said Commission to make a certificate in writing to the effect that said bonds were destroyed in accordance with the provisions of this law and giving the date on which said bonds were destroyed by the State Treasurer, and file said certificate in the office of the Secretary of State of Texas.

Sec. 13. If at the time the Texas Rehabilitation and Relief Commission has ceased to function as a body there shall remain with the State Treasurer any sums of money which have been derived from the sale of any of the said bonds, it shall be the duty of said State Treasurer to transfer said money out of said special account to the special bond interest and sinking fund account.

Sec. 14. No member of the Commission shall be entitled to any additional emoluments of office for the carrying out of the duties herein entrusted to him, but each and all members of the said Commission shall be reimbursed by the State for his actual expenses expended by him in the execution of his official duties as directed herein.

Sec. 15. The Commission as herein created shall upon the taking effect of this Act become and constitute an official Commission of the State of Texas and shall continue as such for a period of two years from and after the effective date hereof. Upon the expiration of two years from and after the effective date hereof, the Commission shall cease to exist.

Sec. 16. The proceeds of the sale of any of said bonds sold during each of the years of the biennium ending August 31st, 1935 are hereby appropriated to the Texas Rehabilitation and Relief Commission for the said biennium for the purposes and subject to the restrictions as set out hereinabove, provided that \$50,000.00 per fiscal year or so much thereof as may be necessary is hereby appropriated out of said bond

funds may be used by said Relief Commission for use in administering the State office of the Texas Rehabilitation and Relief Commission during such year of said biennium.

Sec. 17. National laws and/or parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 18. The fact that there are now in Texas hundreds of thousands of citizens of this State who are unemployed and in destitute circumstances and the fact that no adequate means have been provided by the State of Texas for their relief and comfort, and the fact that the people of the State of Texas have recently voted overwhelmingly in favor of authorizing the Legislature to issue certain bonds for the relief of the destitute and necessitous people of Texas, and have by their action in said election made demand upon this Legislature to immediately carry their mandate into execution and to furnish a means for the issuance and sale of relief bonds in order that the unemployed and destitute of Texas may be afforded immediate relief, create an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three separate days in each House, and the said rule is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted.

EXHIBIT B.

A BILL

To Be Entitled

An Act to encourage State and National Industrial Recovery by cooperating with the National Government in fostering fair competition and for other purposes.

Be it enacted by the Legislature of the State of Texas:

Section 1. A state-wide emergency productive of widespread unemployment and disorganization of industry, which burdens commerce, affects the public welfare, and undermines the standards of living of the people of this State is hereby declared to exist, and it is hereby recognized that such an emergency exists throughout the nation. It is hereby declared to be the policy of this State to provide for the general welfare by cooperating with and assisting the National Government in promoting the organization of indus-

try for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industry, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and conserve natural resources, and otherwise as announced in the Act of Congress entitled: "An Act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes" approved June 16, 1933, and commonly known as the "National Industrial Recovery Act."

Sec. 2. To effectuate the policy of this Act, the Governor is hereby authorized to consent to the President of the United States utilizing State and local officers and employees in effectuating the policies of the National Industrial Recovery Act in accordance with the provisions of Section 2 (a) of that Act.

Sec. 3. (a) No person, natural or artificial, shall refrain from complying with the provisions of any code of fair competition, agreement or license, approved, prescribed, or issued under the terms of the National Industrial Recovery Act on the ground that he is not engaged in transactions in, or affecting "interstate or foreign commerce" as defined in paragraph (d) of Section 7 of Title 1 of the National Industrial Recovery Act.

Sec. 3. (b) The terms and conditions of any code of fair competition, agreement, or license approved, prescribed, or issued under the terms of the National Industrial Recovery Act for any trade or industry or subdivision thereof, shall be considered as the standards of fair competition for such trade or industry or subdivision thereof in all its transactions within this State. The violation of such standards by any person engaged in such trade or industry or

subdivision thereof within this State shall be deemed the use of unfair methods of competition.

Sec. 4. (a) When a code of fair competition has been approved or prescribed by the President under the National Industrial Recovery Act, any violation of any provision thereof in any transaction within this State not in or affecting "interstate or foreign commerce" within the definition of paragraph (d) of Section 7 of Title 1 of the National Industrial Recovery Act, shall be a misdemeanor and upon conviction thereof an offender shall be fined not more than Five Hundred (\$500.00) dollars for each offense, and each day such violation continues shall be deemed a separate offense.

Sec. 4. (b) Any person subject to and complying with the terms and conditions of any code of fair competition, agreement, or license, approved, prescribed, or issued under the terms of the National Industrial Recovery Act for any trade or industry or subdivision thereof within this State, or any attorney of this State may institute a suit to prevent and restrain any violation of any provision thereof in any transaction within this State not in, or affecting "interstate or foreign commerce" within the definition of paragraph (d) of Section 7 of Title 1 of the National Industrial Recovery Act. The courts of this State are hereby invested with jurisdiction to entertain such suits.

Sec. 5. While this Act continues in effect and for sixty days thereafter, the provisions of Title 126 of the Revised Civil Statutes of the State of Texas 1925 revision and all amendments thereto, and the provisions of Chapter 3 of Title 19 of the Penal Code of the State of Texas 1925 revision and all amendments thereto, and all other laws of this State relating to trusts, monopolies and/or conspiracies in restraint of trade shall be and the same are hereby suspended.

Sec. 6. In furtherance of the purposes and policies of this Act and of the National Industrial Recovery Act, any department of this State and the governing body of any subdivision, municipal corporation or district and any public officer or person charged with the letting of contracts for (1) the construction. al-

teration or repair of public works or (2) the purchasing of materials or supplies for public use, shall let such contracts only to those persons, natural or artificial, who agree in and by the terms of such contracts to use or supply only articles, materials and supplies mined, produced, manufactured or supplied by a person who is a party or subject to a code of fair competition, agreement, or license, approved, prescribed, or issued under the terms of the National Industrial Recovery Act in every case where a code of fair competition, agreement, or license has been approved, prescribed, or issued under the terms of the National Industrial Recovery Act for the trade or industry or subdivision thereof mining, producing, manufacturing or supplying such articles, materials or supplies. Any practices in violation of such terms of such contracts shall be deemed the use of unfair methods of competition within the meaning of this Act.

Sec. 7. This Act shall cease to be in effect on June 16, 1935, or sooner if, as provided in paragraph (c) of section 2 of Title 1 of the National Industrial Recovery Act, the President shall by proclamation or the Congress shall by joint resolution declare that the national emergency recognized by the National Industrial Recovery Act has ended.

Sec. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Sec. 9. This Act is hereby declared to be an urgent emergency measure necessary for the immediate preservation of the general welfare of the people of the State and shall, therefore, go into effect immediately to promote cooperation with the National Government in the enforcement of the National Industrial Recovery Act.

Sec. 10. This Act may be known and cited as the State Industrial Recovery Act.

EXHIBIT C.

A BILL

To Be Entitled

An Act declaring a State-wide emergency productive of wide-spread

unemployment affecting the public welfare, and declaring it to be the policy of this State to provide for the general welfare by cooperating with and assisting the National Government in carrying out a program of Public Works under the "National Industrial Recovery Act"; authorizing the State Government and each of the State Boards and Commissions, including the governing boards of each State educational institution, and every county, city, or other political subdivision of this State to make loans and accept grants from the Federal Emergency Administration of Public Works for the carrying out of designated public works projects, and to issue notes, warrants or other obligations, and to pledge and encumber the property of such projects, including the franchises and income thereof, and to acquire by purchase, lease or otherwise, any property for any such projects, and providing that any county, city or town may act on resolution of its commissioners' court or governing body; providing for the issuance of warrants or other obligations, for the conveyance of the site of such project to the United States and the entering into of a contract of rental; providing for the creation of public corporations to carry on such projects; providing that this Act cease to be in effect at the expiration of two years; providing that if any section hereof be declared unconstitutional the other provisions shall not be impaired thereby; providing for a short title, and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. A State-wide emergency productive of wide-spread unemployment and disorganization of industry which affects the public welfare and undermines the standard of living of the people of this State is hereby declared to exist; and it is hereby recognized that such an emergency exists throughout the Nation. It is hereby declared to be the policy of this State to provide for the general welfare by cooperating with and assisting the National Government in carrying on the construction, enlargement and repair of a system of Public Works, to increase consump-

tion of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, to improve standard of labor, and to conserve natural resources, and in all things to cooperate with the National Government in carrying out the program of Public Works as declared in the Act of Congress approved June 16th, 1933, known by the short title of "National Industrial Recovery Act."

Sec. 2. To effectuate the purposes of this Act, the State of Texas, the Governor, and each department of the State Government, and each of the State Boards and Commissions, including the governing boards of each State educational institution, and every county, city, or other political sub-division of this State (acting by resolution of the Commissioners' Court or governing body), are hereby authorized and empowered to make loans and accept grants from the Federal Emergency Administration of Public Works for the carrying out of any public works authorized under said Act of Congress of June 16, 1933, known by the short title of "National Industrial Recovery Act," which shall include among other things the following: (a) construction, repair and improvement of public highways and park ways, public buildings, and any publicly owned instrumentalities and facilities; (b) conservation and development of natural resources, including control, utilization, and purification of waters, irrigation and reclamation projects, prevention of soil or coastal erosion, development of water power, transmission of electrical energy, and construction of river improvements and flood control; (c) any projects of the character heretofore constructed are carried on either directly by public authority or with public aid to serve the interests of the general public; (d) construction, reconstruction, alteration, or repair under public regulation or control of low cost housing projects; (e) any project (other than those included in the foregoing classes) authorized under said National Industrial Recovery Act; (1) and, may issue notes, warrants or other obligations evidencing payment of the money so borrowed, and to secure such obligation may encumber, mortgage, and/or pledge the

property so constructed, repaired, extended, and/or improved, including the real estate on which same is situated, the franchises and income thereof; and may acquire by purchase, lease or otherwise, any property for the purpose of carrying on, constructing, improving, extending or repairing any such works; provided, that the general credit of the State shall never be pledged for the payment of any such obligations, nor shall the same be a charge upon or paid out of any general fund created by the levy of a State tax. Any county, city or town may act hereunder and perform any of the acts herein enumerated by resolution of its commissioners' court or governing body, which resolution shall be sufficient authority therefor notwithstanding the provisions of any other law of this State.

Sec. 3. Any county, city, town or political subdivision of the State is hereby given authority, through its commissioners' court or governing body, to issue warrants or other obligations to evidence the payment of any money borrowed for the purposes set out in Section 2 of this Act, and to provide for the payment thereof by pledging or setting aside funds derived from any tax which it is authorized to levy under existing law; and at the time of issuing such warrants and other obligations, the commissioners' court, or governing body, may provide for the levy of such tax and the setting aside of so much of the fund created thereby, for the current and future years, to pay interest upon such obligation, and to discharge the same at maturity.

Section 4. Any county, city, or political subdivision of this State may, when authorized by resolution of its commissioners' court or governing body, convey to the United States the site of any project set out in Section 2 of this Act, and to contract to pay rental on the completed project sufficient to reimburse the United States for its outlay in completing the project, less any grant which may be allowed; and, in addition, shall have the authority to pledge any other revenues derived from any such projects for the payment of any funds so advanced.

Sec. 5. To further effectuate the purposes of this Act and to more

effectually secure for this State the benefits of the said "National Industrial Recovery Act," the Governor is authorized to form public corporations to build, construct, extend, repair and/or enlarge any such project as is set out in Section 2 of this Act, under the following provisions:

1. Whenever the Governor deems any such project advisable and in accord with public welfare, she may, acting alone or in conjunction with any department head, or any board or commission of the State Government, as enumerated in Section 2 of this Act, file a charter with the Secretary of State, the same to be subscribed by the Governor and such department head, board or commission, setting out the name of the corporation, the purpose for which it is formed, a general description of the project to be constructed, and the places in this State within which it proposes to transact business. Upon the filing of such charter such corporation shall be deemed to have been created, and shall thereafter exist, with the powers, rights and privileges enjoyed by private corporations under the general laws of this State; provided, (a) the title to all property in the name of such corporation shall be held by it in trust for the State of Texas, with power in the corporation to encumber or convey the same for corporate purposes; and (b) all earnings of the corporation over and above the necessary operating expenses, and proper reserves for payment of indebtedness, depletion, repairs, replacements, enlargements and extensions, shall be set aside annually by the directors of such corporation and paid into the general fund of the State Treasury.

2. The directors of such corporation shall consist of the subscribers to the charter and their successors in the offices they then hold; and such additional persons as they may select; provided the directors of any such corporation shall never be less than three nor more than seven in number. Such directors shall adopt by-laws for the government of such corporation, and shall have all the powers of directors of private corporations created under general laws of this State, not inconsistent with this Act.

3. Such corporation by contract

may acquire, encumber and convey property, and sue or be sued in its corporate name, but it shall never pledge or impair the credit of the State, nor create any indebtedness payable out of the general revenue of the State.

Sec. 6. This Act shall cease to be in effect at the expiration of two years from and after the date of its enactment.

Section. 7. If any provision, section, subsection, clause or part of this Act should be held invalid for any reason, the force and effect of all other provisions hereof shall not be in any way affected or impaired thereby.

Sec. 8. This Act may be cited as the Texas Public Works and Recovery Act.

Sec. 9. The fact that it is necessary that the State of Texas, its departments, boards and commissions, and the counties, cities and other political subdivisions of this State be given ample legal authority to secure loans and grants from the Federal Government to carry on a system of public works in accordance with the provisions of the "National Industrial Recovery Act," in order to relieve wide-spread unemployment in this State, creates an emergency and imperative public necessity requiring that the rule providing for bills to be read on three separate days be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Advance Printing Ordered.

Senator Collie received unanimous consent for S. B. Nos. 3, 6, 7, and 8 to be given advance printing.

Senate Simple Resolution No. 3.

Senator Parr sent up the following caucus report:

Austin, Texas, Sept. 14, 1933.

To the Hon. Edgar E. Witt, Lieutenant Governor.

At a caucus held in the office of the Senate attended by twenty-seven members of the Senate the following recommendations were made, to-wit:

The following officers were elected to serve for the ensuing First Called Session of the Forty-third Legislature and at the salaries set opposite their names:

Secretary of the Senate: Hon. Bob Barker, \$10.00 per day.

Journal Clerk: Wendell O'Neal, \$6.00 per day.

Sergeant-at-Arms: A. W. Holt, \$6.00 per day.

Calendar Clerk: Mrs. Martha Turner, \$6.00 per day.

Engrossing and Enrolling Clerk: Essie McGinnis, \$6.00 per day.

Chaplain: Rev. W. H. Doss, \$5.00 per day.

It is recommended that each Senator, Lieutenant Governor and the Secretary of the Senate, be permitted to name one secretary and such employee shall act as clerk of the committee of which the Senator naming such employee shall be the chairman thereof, such employee to receive \$5.00 per day.

It is further recommended that each Senator and the Lieutenant Governor and the Secretary of the Senate be permitted to name one employee of the Senate in addition to their private secretary; that the names of such employees be referred to a committee of five Senators appointed by the chairman of the caucus, said committee to be authorized to select from said employees all employees in the Engrossing and Enrolling room and other departments of the Senate and to assign said employees to their proper places of employment; said committee having no authority to add to said list of employees the name of any other person, said employees so named by the Senators and the Lieutenant Governor and the Secretary of the Senate to receive the sum of \$4.50 per day, if only one employee performs the service. But if more than one is so employed to fill one position the salary shall be \$5.00, to be divided among the employees as recommended by the Senator naming the employees.

It is further recommended that the several appointments of employees heretofore made by the Lieutenant Governor and announced in the Senate and considered by the caucus, are confirmed.

The Lieutenant Governor is hereby authorized and empowered to appoint the pages and porters.

The salaries of the porters to be \$2.50 per day, except the head porter, whose salary shall be \$3.50 per day, and the salaries of the pages shall

be \$2.50 per day and the salaries of the messengers shall be \$2.50 per day and the salary of the elevator operator shall be \$2.50 per day.

The Lieutenant Governor is requested to recommend that Southwestern Telephone Company employ Miss Mary Jacobs to attend the duties of telephone operator of the Senate, and a night operator to be named by the committee of five Senators, out of the employees whose names are filed with said committee.

The Lieutenant Governor and Senators are hereby fully authorized and empowered to use all Assistant Sergeants-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that no employee of the Senate shall during the time he or she is employed, furnish to any person, firm or corporation any information pertaining to the Senate and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to some Senator or committee, shall report for duty at eight o'clock a. m. and one o'clock p. m., reporting to the Sergeant-at-Arms of the Senate, and none of such employees shall be paid for days they are absent from the Senate.

It is further recommended that no person be employed by the Senate in any appointive capacity, except private secretaries, who at this time is a regular employee in any of the other governmental departments of the State or whose father, mother, husband or wife is at this time regularly employed by the State or by United States Government, and no person, other than a resident citizen of the State, shall be employed by the Senate in any capacity.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate, be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges, such as may be actually necessary in the discharge of their official duties,

said expenses to be paid out of the contingent fund.

It is further recommended that 2500 Journals be printed; that same be prorated among the Senators and Lieutenant Governor, except that 150 Journals shall be furnished the Members of the House.

It is further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of the employees of the Senate, such rentals not to exceed \$3.00 per machine per month.

It is further recommended that the Secretary of the Senate be paid for his services rendered in advance of and in preparation for the convening of this the First Called Session of the Forty-third Legislature; that the Sergeant-at-Arms be allowed pay for each day of service from the date he ceased drawing compensation from his other employment; and extra employees and the porters who were selected to prepare the Senate Chamber in advance of the meeting, be allowed pay for their services, the per diem allowed each of the employees mentioned in this section be the same as fixed herein.

It is further recommended that the Senate request the State Comptroller of Public Accounts to issue general revenue warrants for the pay of the members and employees of the Senate upon the presentation of a pay roll account signed by the presiding officer.

The chairman of the caucus named the following members of the Senate as the committee of five, as hereinabove mentioned:

Woodward, Collie, Small, Rawlings, Redditt.

The committee of five hereinabove named shall have authority to employ a P B X operator at a per diem not to exceed \$4.50.

It is further recommended that each Senator, the Lieutenant Governor, and the Secretary of the Senate be permitted to subscribe for three newspapers to be paid out of the contingent fund.

It is further recommended that the Chairman of the Finance Committee shall have authority to employ a secretary for the Finance Committee and two additional employees of his own selection.

It is further recommended that the private rooms allotted to the Sen-

ators by the method as adopted by the caucus be assigned to the Senators and their successors unless otherwise directed by the Senate.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the name of his private secretary selected; that he also file with the chairman of the committee of five Senators aforesaid the name of the employee selected, together with his or her postoffice address and a suggestion as to the special qualification of said employee.

It is further recommended that the names, place of residence and compensation of all employees be printed in the Journal, together with the name of the Senator responsible for the employment of his employee.

PARR, Chairman.

Read and adopted.

Senate Simple Resolution No. 4.

Senator Woodruff sent up the following resolution:

Whereas, There have been installed in the Senate Chamber two flags, beautiful in material, design and workmanship, the handiwork of Mrs. Clyde Rudasill of Travis County. Therefore be it

Resolved, That said Mrs. Clyde Rudasill be, and she is, hereby extended thanks of the Senate for her painstaking, and artistic creations of the Texas and United States flags.

WOODRUFF.

Read and adopted.

Bill Offered.

Senator Woodward sent up the following bill:

By Senator Woodward:

S. B. No. A bill to be entitled "An Act to provide for the enforcement of liens upon realty owned by deceased persons or in which the estate of deceased persons may be interested; and to provide that such liens need not be enforced in the probate court; and to provide for the enforcement of deed of trust liens against such real estate by the exercise of power of sale; and to provide for the enforcement of liens upon realty owned by the estate of a deceased person or in which such estate is interested by suit in the district court; providing this method

to be cumulative of present methods, and creating an emergency."

The bill was read.

Senator Purl raised the point of order that the bill was not included within the Governor's call.

Senator Purl withdrew the point of order, reserving the right to renew it later.

Senator Woodward withdrew the bill.

Adjournment.

On motion of Senator Neal, the Senate, at 3:45 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Sept. 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 1 carefully examined, compared and approved and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Sept. 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 2 carefully examined, compared and approved and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Sept. 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 1 carefully examined, compared and approved and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Sept. 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 1,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Sept. 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 2,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

SECOND DAY.

Senate Chamber,
Austin, Texas,
September 15, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Moore.
Regan. Woodruff.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Senators Excused.

The following Senators were excused for the day and the balance of